IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 31254 of 1997

Between:

Sangameshwar Trading Company, Rep by Authorised Signatory Sarbeswar Behara, Yelamali Compound , Nehru Road, Gadag-582 201, Gadag District, Karnataka . **..... PETITIONER**

AND

1 Commissioner of Prohibition & Excise Andhra Pradesh Hyderabad.
2 Subdivisional Prohibition & Excise Officer, Samlkot, E.G.Dist.
3 Sub Divisional Prohibition & Excise Officer Kakinada, E.G.Dist.
4 Deccan Sugars , Unit of NavaBharat Ferro Alloys Ltd., Samlkot, E.G.Dist, Kakinada. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring that the demand of Administrative charges at the rate of Rs.25/- per Metric Tonne on Molasses purchased and transported within and outside the State of A.P and the insistence on taking an Escort with each tanker lorry transporting Molasses by the petitioner are illegal and without jurisdiction apart from being violative of Art. 19(1) (g) of the constitution of India.

Counsel for the Petitioner: MR.E.MARUTHI RAJA

Counsel for the Respondents 1 to 3 : G.P. FOR PROHIBITION AND EXCISE

Counsel for the Respondent No.4: MR.M.KRISHNA MOHAN RAO

The Court made the following order:

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.31254 OF 1997

ORDER:

It is represented by the learned counsel for the petitioner and admitted to by the learned Government Pleader for Prohibition and Excise that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

> "In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.
>
> Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed".

2. Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

N.V. RAMANA, J

31ST MARCH, 2005

TVK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Thirty First day of March Two thousand Five.

To

1 Commissioner of Prohibition & Excise Andhra Pradesh
Hyderabad.
2 Subdivisional Prohibition & Excise Officer, Samlkot,
E.G.Dist.
3 Sub Divisional Prohibition & Excise Officer Kakinada,
E.G.Dist.
4 Deccan Sugars , Unit of NavaBharat Ferro Alloys Ltd., Samlkot,
E.G.Dist, Kakinada.

5) 2 CD copies

6) 2 CCS to Government Pleader for Prohibition and Excise, High Court of A.P. Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**KCS**}*